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EXAMINER	
DUONG, THOMAS	
ART UNIT	**PAPER NUMBER**
2145	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/880,039	KATSUDA, TAKEO	
	Examiner	Art Unit	
	Thomas Duong	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 April 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-46* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 April 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This office action is in response to the applicants Amendment filed on April 4, 2005. Applicant amended *claims 1-30, 33-35, 37-43* and added *claims 44-46. Claims 1-46* are presented for further consideration and examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. *Claims 1-31 and 37-46* are rejected under 35 U.S.C. 102(e) as being anticipated by Miller et al. (US006421707B1).

4. With regard to *claims 1, 15, and 37-43*, Miller discloses,

- *an E-mail receiving device (service controller 713) receiving E-mail addressed to a certain destination;* (Miller, col.1, lines 47-51, lines 54-58; col.3, lines 33-38; col.9, lines 24-28; fig.7)

Miller teaches of an environment where an email addressed to an addressee (i.e. subscriber) from the Internet is received at the service controller and a receipt notification is selectively generated and delivered to the addressee.

- *an E-mail preparing device preparing receipt notice E-mail based on the E-mail received by said E-mail receiving device;* (Miller, col.1, lines 52-55; col.4, lines 40-43; col.9, lines 41-46)

  Miller teaches of an environment where a receipt notification is generated and delivered to the addressee. Miller's environment allows the subscriber the ability to customize the message receipt notification through the use of a user-specific agent.

- *an E-mail transmitting device transmitting the receipt notice E-mail prepared by said E-mail preparing device to said destination;* (Miller, col.1, lines 52-55; col.9, lines 41-46)

  Miller teaches of an environment where a receipt notification is generated and delivered to the addressee.

- *a location information acquiring device acquiring location information of said destination;* (Miller, col.2, lines 58-64; col.4, lines 40-60; col.5, lines 1-7)

  Miller teaches of step of locating the addressee (i.e. subscriber) *"according to the rules he [has] previously established (or defaulted to, as appropriate)"* (Miller, col.5, lines 2-3). According to Miller, *"the ability for a user (recipient) to define a set of rules that determine how/when messages and their notification are to be treated ... such as a permanent rule (SMS notification to Thomas' handset) and a vacation rule (e.g., hold messages but notify Thomas at his hotel telephone), ... etc., are easily envisioned and implemented as appropriate"* (Miller, col.4, lines

49-60). Hence, Miller describes a method of locating the subscriber via established rules and determining the appropriate outputting device to which the notification message is directed.

- *a selecting device selecting one of multiple image output devices on the basis of the location information acquired by said position acquiring device; and* (Miller, col.1, lines 47-58; col.2, lines 58-64; col.4, lines 40-60; col.5, lines 1-7, lines 35-49; col.6, lines 14-19; col.9, lines 40-46)

  Miller teaches of an environment where an email addressed to an addressee (i.e. subscriber) from the Internet is received at the service controller, a receipt notification is selectively generated and delivered to the addressee, the addressee is located and finally the intended email is displayed to the subscriber or outputted to a device (i.e. facsimile) according to subscriber's preference. Furthermore, Miller teaches of step of locating the addressee (i.e. subscriber) *"according to the rules he [has] previously established (or defaulted to, as appropriate)"* (Miller, col.5, lines 2-3). According to Miller, *"the ability for a user (recipient) to define a set of rules that determine how/when messages and their notification are to be treated ... such as a permanent rule (SMS notification to Thomas' handset) and a vacation rule (e.g., hold messages but notify Thomas at his hotel telephone), ... etc., are easily envisioned and implemented as appropriate"* (Miller, col.4, lines 49-60). Hence, Miller describes a method of locating the subscriber via established rules and determining the appropriate outputting device to which the notification message is directed.

- *a notifying device that sends an E-mail to said destination containing a notification of the image output device selected by said selecting device; and*

(Miller, col.1, lines 47-58; col.2, lines 58-64; col.5, lines 35-49; col.6, lines 14-19; col.9, lines 40-46)

Miller teaches of an environment where an email addressed to an addressee (i.e. subscriber) from the Internet is received at the service controller, a receipt notification is selectively generated and delivered to the addressee, the addressee is located and finally the intended email is displayed to the subscriber or outputted to a device (i.e. facsimile) according to subscriber's preference. According to Miller, the *"delivery subsystem 160 handles the actual delivery of output of service complex 101. Importantly, the output need not be a 'message' but could simply be notification that a message has been received, [and that] ... the delivery subsystem 160 can handle a variety of output formats, voice/fax 162, short message 161, and e-mail 163"* (Miller, col.3, lines 33-38).

- *a data transmitting device transmitting at least a portion of the data of the E-mail received by the E-mail receiving device to the image output device selected by the selecting device. a selecting device selecting one of multiple image output devices on the basis of the location information acquired by said position acquiring device; and* (Miller, col.1, lines 47-58; col.2, lines 58-64; col.5, lines 35-49; col.6, lines 14-19; col.9, lines 40-46)

  Miller teaches of an environment where an email addressed to an addressee (i.e. subscriber) from the Internet is received at the service controller, a receipt notification is selectively generated and delivered to the addressee, the addressee is located and finally the intended email is displayed to the subscriber or outputted to a device (i.e. facsimile) according to subscriber's preference.

5. With regard to *claims 2 and 16*, Miller discloses,

- *wherein said E-mail preparing device prepares the receipt notice E-mail based on the content of a main text portion of the E-mail received by the E-mail receiving device.* (Miller, col.1, lines 47-58; col.3, lines 33-38; col.5, lines 22-27; fig.4(g, h))

  Miller teaches of an environment where an email addressed to an addressee (i.e. subscriber) from the Internet is received at the service controller and a receipt notification is selectively generated and delivered to the addressee. Furthermore, Miller anticipates that the notification message may contain the body of the email text.

6. With regard to *claims 3-5 and 17-19*, Miller discloses,

- *wherein said E-mail preparing device prepares the receipt notice E-mail by removing an attachment file portion of the E-mail received by the E-mail receiving device.* (Miller, col.1, lines 47-58; col.3, lines 33-38; col.5, lines 22-27; fig.4(g, h, i); fig.4(m))

  Miller teaches of an environment where an email addressed to an addressee (i.e. subscriber) from the Internet is received at the service controller and a receipt notification is selectively generated and delivered to the addressee. Furthermore, Miller anticipates that the notification message may contain the body of the email text. Miller shows in figures 4(i) and 4(m) that the attachments are listed separately to allow the subscriber the ability to retrieve it if desired after converting the attachment to the appropriate format.

- *wherein said data transmitting device transmits data corresponding to the attachment file portion of the E-mail received by the E-mail receiving device.* (Miller, col.1, lines 47-58; col.3, lines 33-38; col.5, lines 22-27; fig.4(g, h, i); fig.4(m))

  Miller teaches of an environment where an email addressed to an addressee (i.e. subscriber) from the Internet is received at the service controller and a receipt notification is selectively generated and delivered to the addressee. Furthermore, Miller anticipates that the notification message may contain the body of the email text. Miller shows in figures 4(i) and 4(m) that the attachments are listed separately to allow the subscriber the ability to retrieve it if desired after converting the attachment to the appropriate format.

- *further comprising a converting device converting the attachment file portion of the E-mail received by the E-mail receiving device into data of a format acceptable to the image output device; wherein, said data transmitting device transmits the data after the conversion by said converting device.* (Miller, col.1, lines 47-58; col.3, lines 33-38; col.5, lines 22-27; fig.4(g, h, i); fig.4(m))

  Miller teaches of an environment where an email addressed to an addressee (i.e. subscriber) from the Internet is received at the service controller and a receipt notification is selectively generated and delivered to the addressee. Furthermore, Miller anticipates that the notification message may contain the body of the email text. Miller shows in figures 4(i) and 4(m) that the attachments are listed separately to allow the subscriber the ability to retrieve it if desired after converting the attachment to the appropriate format.

7. With regard to *claims 6-7 and 20-21*, Miller discloses,

- *wherein said data transmitting device transmits the data corresponding to the attachment file portion of the E-mail received by the E-mail receiving device.* (Miller, col.1, lines 47-58; col.3, lines 33-38; col.5, lines 22-27; fig.4(g, h, i); fig.4(m))

  Miller teaches of an environment where an email addressed to an addressee (i.e. subscriber) from the Internet is received at the service controller and a receipt notification is selectively generated and delivered to the addressee.

  Furthermore, Miller anticipates that the notification message may contain the body of the email text. Miller shows in figures 4(i) and 4(m) that the attachments are listed separately to allow the subscriber the ability to retrieve it if desired after converting the attachment to the appropriate format.

8. With regard to *claims 8-11, 22-25, and 28-29*, Miller discloses,

- *wherein said selecting device selects image output devices within a certain distance from said destination.* (Miller, col.1, lines 47-58; col.3, lines 33-38; col.5, lines 22-27; col.6, lines 9-19; fig.4(g, h, i); fig.4(m))

  Miller teaches of a step of listing the available retrieval methods and allowing the subscriber to choose the desired delivery method.

- *wherein said selecting device selects an image output device closest from said destination.* (Miller, col.1, lines 47-58; col.3, lines 33-38; col.5, lines 22-27; col.6, lines 9-19; fig.4(g, h, i); fig.4(m))

  Miller teaches of a step of listing the available retrieval methods and allowing the subscriber to choose the desired delivery method.

- *wherein said selecting device including:*
  - *a list preparing device preparing a list of image output devices within a certain distance from said destination;*
  - *a list transmitting device transmitting the list prepared by said list preparing device to said destination; and*
  - *a selection instruction receiving device receiving an instruction for specifying one of the image output devices in the list.* (Miller, col.1, lines 47-58; col.3, lines 33-38; col.5, lines 22-27; col.6, lines 9-19; fig.4(g, h, i); fig.4(m))

Miller teaches of a step of listing the available retrieval methods and allowing the subscriber to choose the desired delivery method.

9. With regard to *claims 12-13, 26-27, and 30*, Miller discloses,

- *wherein said data transmitting device transmits the data to an image output device specified by a telephone number.* (Miller, col.1, lines 47-58; col.3, lines 33-38; col.5, lines 22-27; fig.4(g, h, i); fig.4(m))

Miller teaches of a plurality of delivery methods such as email, fax, messaging, voice, etc. Alternative methods of delivering the data include the Internet, printer, display, etc.

10. With regard to *claims 14, 31, and 44-46*, Miller discloses,

- *an E-mail receiving device receiving E-mail including a main text portion and an attachment file portion and being addressed to a certain destination;* (Miller, col.1, lines 47-51, lines 54-58; col.3, lines 33-38; col.9, lines 24-28; fig.7)

Miller teaches of an environment where an email addressed to an addressee (i.e. subscriber) from the Internet is received at the service controller and a receipt notification is selectively generated and delivered to the addressee.

- *an E-mail preparing device preparing receipt notice E-mail by removing the attachment file portion from the received E-mail;* (Miller, col.1, lines 47-58; col.3, lines 33-38; col.5, lines 22-27; fig.4(g, h, i); fig.4(m))

  Miller teaches of an environment where an email addressed to an addressee (i.e. subscriber) from the Internet is received at the service controller and a receipt notification is selectively generated and delivered to the addressee.

  Furthermore, Miller anticipates that the notification message may contain the body of the email text. Miller shows in figures 4(i) and 4(m) that the attachments are listed separately to allow the subscriber the ability to retrieve it if desired after converting the attachment to the appropriate format.

- *an E-mail transmitting device transmitting to said destination the receipt notice E-mail prepared by said E-mail preparing device and an E-mail identifying multiple prospective image output devices;* (Miller, col.1, lines 47-58; col.2, lines 58-64; col.5, lines 35-49; col.6, lines 14-19; col.9, lines 40-46)

  Miller teaches of an environment where an email addressed to an addressee (i.e. subscriber) from the Internet is received at the service controller, a receipt notification is selectively generated and delivered to the addressee, the addressee is located and finally the intended email is displayed to the subscriber or outputted to a device (i.e. facsimile) according to subscriber's preference. According to Miller, the *"delivery subsystem 160 handles the actual delivery of output of service complex 101. Importantly, the output need not be a 'message'*

but could simply be notification that a message has been received, [and that] ... the delivery subsystem 160 can handle a variety of output formats, voice/fax 162, short message 161, and e-mail 163" (Miller, col.3, lines 33-38).

- *an instruction receiving device receiving an E-mail including an instruction for specifying one of multiple image output devices;* (Miller, col.5, lines 35-49)

  Miller teaches of a step where the subscriber specifies the desired method of retrieval of the email as well as the attachments.

- *a converting device converting the attachment file portion into data of a format acceptable to the image output device; and* (Miller, col.1, lines 47-58; col.3, lines 33-38; col.5, lines 22-27; fig.4(g, h, i); fig.4(m))

  Miller teaches of an environment where an email addressed to an addressee (i.e. subscriber) from the Internet is received at the service controller and a receipt notification is selectively generated and delivered to the addressee.

  Furthermore, Miller anticipates that the notification message may contain the body of the email text. Miller shows in figures 4(i) and 4(m) that the attachments are listed separately to allow the subscriber the ability to retrieve it if desire d after converting the attachment to the appropriate format.

- *a data transmitting device transmitting said data after the conversion to the image output device specified by said instruction.* (Miller, col.1, lines 47-58; col.3, lines 33-38; col.5, lines 22-27; fig.4(g, h, i); fig.4(m))

  Miller teaches of an environment where an email addressed to an addressee (i.e. subscriber) from the Internet is received at the service controller and a receipt notification is selectively generated and delivered to the addressee.

  Furthermore, Miller anticipates that the notification message may contain the

body of the email text. Miller shows in figures 4(i) and 4(m) that the attachments are listed separately to allow the subscriber the ability to retrieve it if desired after converting the attachment to the appropriate format.

11. *Claims 32-36* are rejected under 35 U.S.C. 102(e) as being anticipated by Theimer et al. (US005493692A).

12. With regard to *claims 32-36*, Theimer discloses,

- *a receiving device receiving E-mail from an E-mail controlling apparatus;* (Theimer, col.8, lines 40-58; col.9, lines 7-20; col.24, lines 8-48; fig.16) Theimer teaches of an environment where a message is received at a portable terminal unit, the available delivery methods based on the location of the subscriber are detected, and delivering the data to the appropriate output or display device.
- *a detecting device detecting the location of said portable terminal unit; and* (Theimer, col.8, lines 40-58; col.9, lines 7-20; col.24, lines 8-48; fig.16) Theimer teaches of an environment where a message is received at a portable terminal unit, the available delivery methods based on the location of the subscriber are detected, and delivering the data to the appropriate output or display device.
- *an acquiring device acquiring the data that indicates an image output device selected on the basis of the location detected by said detecting device.* (Theimer, col.8, lines 40-58; col.9, lines 7-20; col.24, lines 8-48; fig.16)

Theimer teaches of an environment where a message is received at a portable terminal unit, the available delivery methods based on the location of the subscriber are detected, and delivering the data to the appropriate output or display device.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14. *Claims 1-32 and 36-43* are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (US006421707B1) and in view of Theimer et al. (US005493692A).

15. With regard to *claims 1, 14-15, 31-32, and 36-43*, Miller discloses,

- *an E-mail receiving device (service controller 713) receiving E-mail addressed to a certain destination;* (Miller, col.1, lines 47-51, lines 54-58; col.3, lines 33-38; col.9, lines 24-28; fig.7)

  Miller teaches of an environment where an email addressed to an addressee (i.e. subscriber) from the Internet is received at the service controller and a receipt notification is selectively generated and delivered to the addressee.
- *an E-mail preparing device preparing receipt notice E-mail based on the E-mail received by said E-mail receiving device;* (Miller, col.1, lines 52-55; col.4, lines 40-43; col.9, lines 41-46)

Miller teaches of an environment where a receipt notification is generated and delivered to the addressee. Miller's environment allows the subscriber the ability to customize the message receipt notification through the use of a user-specific agent.

- *an E-mail transmitting device transmitting the receipt notice E-mail prepared by said E-mail preparing device to said destination;* (Miller, col.1, lines 52-55; col.9, lines 41-46)

  Miller teaches of an environment where a receipt notification is generated and delivered to the addressee.

- *a notifying device that sends an E-mail to said destination containing a notification of the image output device selected by said selecting device; and* (Miller, col.1, lines 47-58; col.2, lines 58-64; col.5, lines 35-49; col.6, lines 14-19; col.9, lines 40-46)

  Miller teaches of an environment where an email addressed to an addressee (i.e. subscriber) from the Internet is received at the service controller, a receipt notification is selectively generated and delivered to the addressee, the addressee is located and finally the intended email is displayed to the subscriber or outputted to a device (i.e. facsimile) according to subscriber's preference. According to Miller, the *"delivery subsystem 160 handles the actual delivery of output of service complex 101. Importantly, the output need not be a 'message' but could simply be notification that a message has been received, [and that] ... the delivery subsystem 160 can handle a variety of output formats, voice/fax 162, short message 161, and e-mail 163"* (Miller, col.3, lines 33-38).

- *a data transmitting device transmitting at least a portion of the data of the E-mail received by the E-mail receiving device to the image output device selected by the selecting device. a selecting device selecting one of multiple image output devices on the basis of the location information acquired by said position acquiring device; and* (Miller, col.1, lines 47-58; col.2, lines 58-64; col.5, lines 35-49; col.6, lines 14-19; col.9, lines 40-46)

  Miller teaches of an environment where an email addressed to an addressee (i.e. subscriber) from the Internet is received at the service controller, a receipt notification is selectively generated and delivered to the addressee, the addressee is located and finally the intended email is displayed to the subscriber or outputted to a device (i.e. facsimile) according to subscriber's preference.

Even though Miller discloses the locating and selecting steps as the Examiner explained in the 35 U.S.C. 102(e) rejection above, the Examiner will present another reference, Theimer (US005493692A), that clearly teaches the locating the subscriber device and selecting the appropriate output method base on the location of the subscriber.

Theimer teaches,

- *a location information acquiring device acquiring location information of said destination;* (Theimer, col.8, lines 40-58; col.9, lines 7-20; col.24, lines 8-48; fig.16)

  Theimer teaches of an environment where a message is received at a portable terminal unit, the available delivery methods based on the location of the subscriber are detected, and delivering the data to the appropriate output or display device.

- *a selecting device selecting one of multiple image output devices on the basis of the location information acquired by said position acquiring device; and* (Theimer, col.8, lines 40-58; col.9, lines 7-20; col.24, lines 8-48; fig.16)

  Theimer teaches of an environment where a message is received at a portable terminal unit, the available delivery methods based on the location of the subscriber are detected, and delivering the data to the appropriate output or display device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Theimer with the teachings of Miller to selectively deliver messages to a subscriber of the wireless service base on the available as well as appropriate output or display methods in proximity to the subscriber. According to Theimer, it is advantageous to *"provide a system in which the delivery of electronic messages to a particular user or users may be selective, depending upon the context or state of the user or users. Furthermore, appropriate computing devices for particular actions, such as delivery of electronics messages, are selected based on the environment in proximity to the user in relation to the properties of the message"* (col.4, lines 5-12).

16. With regard to *claims 2 and 16*, Miller and Theimer disclose,

- *wherein said E-mail preparing device prepares the receipt notice E-mail based on the content of a main text portion of the E-mail received by the E-mail receiving device.* (Miller, col.1, lines 47-58; col.3, lines 33-38; col.5, lines 22-27; fig.4(g, h))

Miller teaches of an environment where an email addressed to an addressee (i.e. subscriber) from the Internet is received at the service controller and a receipt notification is selectively generated and delivered to the addressee. Furthermore, Miller anticipates that the notification message may contain the body of the email text.

17. With regard to *claims 3-5 and 17-19*, Miller and Theimer disclose,

- *wherein said E-mail preparing device prepares the receipt notice E-mail by removing an attachment file portion of the E-mail received by the E-mail receiving device.*
- *wherein said data transmitting device transmits data corresponding to the attachment file portion of the E-mail received by the E-mail receiving device.*
- *further comprising a converting device converting the attachment file portion of the E-mail received by the E-mail receiving device into data of a format acceptable to the image output device; wherein, said data transmitting device transmits the data after the conversion by said converting device.* (Miller, col.1, lines 47-58; col.3, lines 33-38; col.5, lines 22-27; fig.4(g, h, i); fig.4(m))

  Miller teaches of an environment where an email addressed to an addressee (i.e. subscriber) from the Internet is received at the service controller and a receipt notification is selectively generated and delivered to the addressee. Furthermore, Miller anticipates that the notification message may contain the body of the email text. Miller shows in figures 4(i) and 4(m) that the attachments are listed separately to allow the subscriber the ability to retrieve it if desired after converting the attachment to the appropriate format.

18. With regard to *claims 6-7 and 20-21*, Miller and Theimer disclose,

- *wherein said data transmitting device transmits the data corresponding to the attachment file portion of the E-mail received by the E-mail receiving device.* (Miller, col.1, lines 47-58; col.3, lines 33-38; col.5, lines 22-27; fig.4(g, h, i); fig.4(m))

  Miller teaches of an environment where an email addressed to an addressee (i.e. subscriber) from the Internet is received at the service controller and a receipt notification is selectively generated and delivered to the addressee.

  Furthermore, Miller anticipates that the notification message may contain the body of the email text. Miller shows in figures 4(i) and 4(m) that the attachments are listed separately to allow the subscriber the ability to retrieve it if desired after converting the attachment to the appropriate format.

19. With regard to *claims 8-11, 22-25, and 28-29*, Miller and Theimer disclose,

- *wherein said selecting device selects image output devices within a certain distance from said destination.* (Miller, col.1, lines 47-58; col.3, lines 33-38; col.5, lines 22-27; col.6, lines 9-19; fig.4(g, h, i); fig.4(m))

  Miller teaches of a step of listing the available retrieval methods and allowing the subscriber to choose the desired delivery method.

- *wherein said selecting device selects an image output device closest from said destination.* (Miller, col.1, lines 47-58; col.3, lines 33-38; col.5, lines 22-27; col.6, lines 9-19; fig.4(g, h, i); fig.4(m))

- Miller teaches of a step of listing the available retrieval methods and allowing the subscriber to choose the desired delivery method.
- *wherein said selecting device including:*
  - *a list preparing device preparing a list of image output devices within a certain distance from said destination;*
  - *a list transmitting device transmitting the list prepared by said list preparing device to said destination; and*
  - *a selection instruction receiving device receiving an instruction for specifying one of the image output devices in the list.* (Miller, col.1, lines 47-58; col.3, lines 33-38; col.5, lines 22-27; col.6, lines 9-19; fig.4(g, h, i); fig.4(m))

Miller teaches of a step of listing the available retrieval methods and allowing the subscriber to choose the desired delivery method.

20. With regard to *claims 12-13, 26-27, and 30*, Miller and Theimer disclose,

- *wherein said data transmitting device transmits the data to an image output device specified by a telephone number.* (Miller, col.1, lines 47-58; col.3, lines 33-38; col.5, lines 22-27; fig.4(g, h, i); fig.4(m))

Miller teaches of a plurality of delivery methods such as email, fax, messaging, voice, etc. Alternative methods of delivering the data include the Internet, printer, display, etc.

Response to Arguments

21. Applicant's arguments with respect to *claims 1, 14, and 31-32* have been considered but they are not persuasive.

Conclusion

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 571/272-3911. The examiner can normally be reached on M-F 7:30AM - 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 571/272-6159. The fax phone numbers for the organization where this application or proceeding is assigned are 703/872-9306 for regular communications and 703/872-9306 for After Final communications.

V. Martin Wallace

VALENCIA MARTIN-WALLACE
SUPERVISORY PATENT EXAMINER

Thomas Duong (AU2145)

June 21, 2005